

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION
CASE NUMBER: 4:16-cv-00323-RBH**

AMCO Insurance Company,
Plaintiffs,
v.

Christopher Deas, and Frances E. Wood, as
Personal Representative of the Estate of Brian
A. Romanelli,

Defendants.

CONSENT ORDER TO STAY

THIS MATTER comes before me upon a joint motion by consent of the parties pursuant to Rule 7(b) of the *Federal Rules of Civil Procedure* to stay this action. This is a declaratory judgment action in which the Plaintiff, AMCO Insurance Company, seeks declarations regarding application of an insurance policy to an accident that occurred in Florence County, South Carolina. The Defendant Frances E. Wood, as Personal Representative of the Estate of Brian A. Romanelli (the “Estate”) has filed a tort action in the Florence County Court of Common Pleas against Christopher Deas and Jeniel, LLC that may involve overlapping facts. At this time, the parties agree to – and request that this Court – stay this case while the underlying tort action proceeds. Both parties seek to do so without any prejudice to their right to ask this court to lift the stay at any point in the future upon proper notice.

At this time, the Court finds that a stay is appropriate and will grant the motion. Currently, the Estate has not filed an Answer. Upon notice of the lift of the stay, the Estate shall have ten (10) days to file and Answer or other appropriate responsive pleading. Furthermore, AMCO Insurance Company has filed a Motion to Strike Purported Answer

on Behalf of Christopher Deas and Supporting Memorandum. [Docket Entry No. 12]. The Estate filed a Memorandum in Opposition to that motion, and AMCO's deadline to file a reply is currently April 28, 2016. Upon notice of the lift of the stay, AMCO shall have ten (10) additional days to file a reply should it desire to do so. Any subpoenas that have been issued for discovery in this matter are deemed null and void, and must be re-served upon lift of the stay. All objections to discovery and assertions of privilege or other protected states are reserved

THEREFORE, IT IS HEREBY ORDERED that this above-referenced action shall be and hereby is stayed. The parties shall provide an update to the Court every six (6) months as to the progress of the underlying tort case and whether the stay should be lifted.

AND IT IS SO ORDERED.

May 4, 2016
Florence, South Carolina

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

WE CONSENT:

s/David B. Yarborough, Jr.

David B. Yarborough, Jr., Esquire
Federal I.D. No. 7336
Lydia Blessing Applegate
Federal I.D. No. 9225
Douglas E. Jennings
Federal I.D. No. 11348
291 East Bay Street, Floor 2
Charleston, SC 29401
843-972-0150 office
843-277-6691 fax

david@yarboroughapplegate.com

lydia@yarboroughapplegate.com

douglas@yarboroughapplegate.com

Attorneys for France E. Wood, Personal Representative of the Estate of Brian A. Romanelli

s/Wesley B. Sawyer

J.R. Murphy, Esquire
Fed. ID No. 3119
Wesley B. Sawyer, Esquire
Fed ID No. 11244
Murphy & Grantland, P.A.
Post Office Box 6648
Columbia, South Carolina 29260
Tel.: (803) 782-4100; Fax: (803) 782-4140
Attorneys for the Plaintiff